

December 12, 2010

Marlene Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, D.C 20554

RE: Notice of Oral *Ex Parte*
Docket GN 09-191
Docket WC 07-52
Docket GN 09-51

Dear Ms. Dortch:

This notice is submitted in compliance with Section 1.1206 (b) of the Commission's Rules.

On December 12, 2010, Dr. Mark Cooper, Director of Research of the Consumer Federation of America, met with Commission Capps and Margaret McCarthy, Policy Advisor to Commissioner Capps.

- He stressed the importance of moving a network neutrality item at the December 21, 2010 open meeting.
- He described the important elements of the Chairman's proposal that advance the cause of network neutrality.
- He identified ways in which the rule and order could be improved including a tighter definition of broadband Internet access services, clear principles for defining when network management practices are reasonable and when specialized services would be allowed.
- He also discussed how broadband wireless services could be reached under a well-articulated Title I ancillary authority theory.

Finally he discussed why a well-articulated Title I theory would have a better chance than a Title II approach of not being stopped by the Congress or stayed by the Courts. As a consequence, the Commission would have the authority to implement not only rules ensuring network neutrality, but also several other key sets of rules that are central to the National Broadband plan, such as universal service. He argued that Section 706 should be only one of a dozen sections of the Communications Act that should be cited as the specific authority that provides the nexus for a grant of ancillary authority under Title I.

Sincerely,


Mark Cooper
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